

REMARKS

Claims 1-17 are pending.

Claims 2-7 stand rejected for indefiniteness.

Claims 1-17 stand rejected for anticipation v. Park.

Claims 1,2,5-8,11-13,16,17 are currently amended.

In response to the Office Action:

Regarding Items 1-2, the rejection of claims 2-7 for indefiniteness:

Examiner's rejection of the phrase "host product or miscellaneous product" is noted, and is amended to "product to be processed".

In response to Examiner's questions about the distinction between host product and miscellaneous product, the specification is amended to clarify that the host product is the primary product produced and for which the equipment and software have been set to produce, in a semi-dedicated manner. This contrasts with the minor or secondary products which are processed on occasion. The term "miscellaneous product" is amended to "secondary product" to clarify this distinction.

In claims 5,7 the phrase "the host product in the nearest operation" is amended to "the host product in the most recent operation".

Regarding Items 3-5, the rejection of claims 1-17 for anticipation v. Park:

Applicant respectfully traverses Examiner's arguments that claims 1-17 of the instant invention are anticipated by Park for several reasons, which the claims have been amended to clarify.

Anticipation requires that the cited reference contain *all* of the elements and limitations of the instant invention. Applicant respectfully submits that Park lacks several elements or limitations present in independent claims 1,8,13 of the instant invention. For example, Park lacks a step of "determining if the product to be processed is a secondary product", and also lacks a step of "providing an offset difference" between the host

product and the product to be processed, both of which are elements or limitations of amended claims 1,8,13 of the instant invention.

Park lacks a step of “determining if the product to be processed is a secondary product” because Park does not distinguish between host product and secondary product. Similarly, Park lacks a step of “providing an offset difference” between the host product and the product to be processed because Park does not recognize the difference between host product and secondary product. Applicant respectfully submits that Park lacks several elements or limitations present in independent claims 1,8,13 of the instant invention, and therefore does *not* anticipate the instant invention.

The dependent claims contain additional limitations that are not present in Park. And, since the dependent claims by definition include all the elements and limitations of the independent claims, Applicant respectfully submits that Park does not anticipate the dependent claims of the instant invention.

Applicant respectfully submits that Vorhees lacks several elements or limitations present in claims 1-17 of the instant invention, and therefore does not meet the threshold requirements for an anticipation rejection. Reconsideration of the anticipation rejection is respectfully requested.

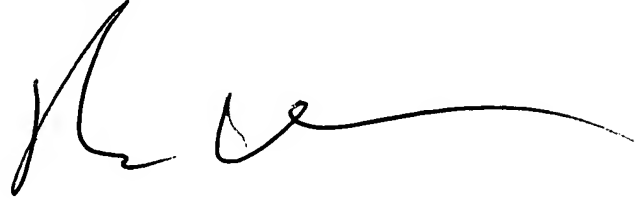
Applicant believes that this amendment answers all instances in which the Examiner rejected or objected, and that the amendment places all remaining claims in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for issue. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 358-0489.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Willgohe', with a long horizontal flourish extending to the right.

Ralph H. Willgohe

Registration Number: 48,800